CLASSIFICATION OFFICE DECISION

Title of publication:	jenna-015-052.jpg
Other known title(s):	Not stated
OFLC ref:	1500030.049
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	22 April 2015
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	22 April 2015

Summary of reasons for decision:

The computer image file printout does not deal with any matters under s3(1) of the Films, Videos and Publications Classification Act 1993, nor do s3A or s3B of the Act apply. The publication is therefore unrestricted.

The image on the printout is a website-branded commercial photograph of a female older child or young teenager. She is clothed, and a small section of her underwear is visible under her skirt. The image of a young teenage girl on the printout can be described as "sexy". A viewer's predisposition to regard this image as salacious may result in a sexual interpretation. However, the image has no overtly sexual content and a reasonable person would not consider it to be sexual in nature. Therefore, the content of the publication does not bring within the s3(1) "subject matter gateway".

The right freedom of expression set out in the New Zealand Bill of Rights Act 1990 has been considered. An unrestricted classification is consistent with s14 of that Act, which requires the least restrictive interpretation to be placed on a publication.